17th February 1955]

THE HON. SRI M. BHAKTAVATSALAM :—" Sir, if the original question had been put ' why the aid has not been given ', I could have got all the particulars and furnished the same. I therefore suggest that the hon. Member may put a separate question."

SRI V. R. NAGARAJAN :—" Sir, is it not a fact that unless there are insuperable difficulties, such applications are granted by the Board of Industries? "

THE HON. SRI M. BHAKTAVATSALAM :—" Perhaps it is easy for the hon. Member himself to know that as he knows and appreciates the difficulties as a Member of the Board which sanctions these loans."

SRI T. C. NARAYANAN NAMBIAR :—" In view of the infant position of the glass industry in our State and in view of the fact that the Nirmala Glass Factory situated at Olavakkot is also in a state of collapse for want of financial help from the Government, will the Government see that some enquiries are instituted and that some suitable measures are adopted for making the industry a thriving one? "

THE HON. SRI M. BHAKTAVATSALAM :—" Sir, the hon. Member may put a separate question."

Amendment of the Civil Procedure Code

* 771 *Q.*—SRI V. R. KRISHNA AYYAR : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether the Government have any proposals to amend the Civil Procedure Code to make the Judicial Officers liable for ' costs ' when their judgments are reversed as perverse ; and

(*b*) if so, when the Government intend to introduce such legislation?

THE HON. SRI C. SUBRAMANIAM :—" (*a*) No.

" (*b*) Does not arise."

SRI V. R. KRISHNA AYYAR :—" Sometimes when Judges are perverse in their findings, the parties who might have the right of contention in support are put to great loss in appeal. In such cases, the fittest person to be punished is the Judge for his perverse findings. I am confining it to perverse findings. We have had instances like that in the Debt Conciliation Board where the Judges were penalized with costs by the Madras High Court. Therefore, would the Government accept the suggestion contained in the question and suggest or bring up suitable amendments to the Civil Procedure Code? "

THE HON. SRI C. SUBRAMANIAM :—" Then we will have to consider mulcting the lawyers who give wrong advice or misleading advice. So, we cannot adopt this method of mulcting costs on lawyers and judges. They are trying to do their best."

[17th February 1955

SRI P. RANGASWAMI REDDIAR :—" Sir, within recent memory is there any instance where a judicial officer has been punished for judicial misconduct, that is, for pronouncing judgments consistently in a perverse manner as pointed out by the Appellate Court? "

THE HON. SRI C. SUBRAMANIAM :—" Yes, Sir. I do remember a case where action was taken against a Judge and he was removed from service."

SRI Y. MANJAYA SHETTY :—" May I know whether the Government have any proposals to amend the Civil Procedure Code to penalize lawyers who engage themselves in false, trivial, cantankerous, vexatious litigation? " (Laughter.)

MR. SPEAKER :—" Let the hon. Member put a separate question."

SRI M. NARAYANA KURUP :—" Will the Government at least consider or take note of such decisions of judicial officers and deal with them appropriately when the occasion arises? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, a casual perverseness cannot be taken notice of. But persistent and consistent perverseness is brought to the notice of the High Court and they do take action."

SRI S. DAIVASIGAMONEY :—" It is our paramount duty, Sir, to respect law and order and also such persons who are the custodians of law like the Judges. Therefore, it is not right on our part to speak lightly of Judges and their judgments here."

MR. SPEAKER :—" It is not about any particular Judge. It is a principle we are dealing with. The hon. Member has misunderstood the question."

SRI V. R. KRISHNA AYYAR :—" It is not as if the suggestion is entirely novel or the question is something altogether new. With the Debt Conciliation Board, within a few years, we have had this experience of Judges being mulcted with costs when their decisions were found to be perverse by High Courts. Why should it not be extended to other courts where the findings are given in a perverse manner? "

THE HON. SRI C. SUBRAMANIAM :—" I do not think it is a desirable step to take. The judicial officers should have complete independence and they should exercise their judgment in an absolutely unrestrained manner. If they go wrong, there are the Appellate Courts to set matters right and if they persistently go wrong, of course, they are pulled up and I am sure such wrongs will be rectified. This mulcting with costs, I am afraid, will make them not good judges. That is my view."